

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

C.C.No.950 of 2016 in W.P.M.P.No.13407 of 2016 in
W.P.No.10637 of 2016

&

W.V.M.P.No.1966 of 2016 in W.P.M.P.No.13407 of 2016 in
W.P.No.10637 of 2016

ORDER:

Heard Sri B.G.Ravindra Reddy, learned counsel for the Writ Petitioner, Sri S.Ravi, learned Senior Counsel, appearing for Sri C.Buchi Reddy, learned Standing Counsel for Telangana State Housing Board Corporation.

2. Petitioner had approached this Court by filing W.P.No.10637 of 2016 alleging that they had applied for allotment of plots being built by the then A.P. Housing Board pursuant to Notification 19-09-2009, that there was a drawal of lots and the petitioners were allotted Flat No.1001 in Block No.3, Flat No.1005 in Block No.2 and Flat No.607 in Block No.2 on 23-09-2015 but possession of the said flats was not being given to them by the Telangana State Housing Board, the successor of the AP Housing Board, which was demanding certain additional amounts from the petitioners.

3. This Court on 31-03-2016 in W.P.M.P.No.13407 of 2016 passed the following order:

“There shall be interim direction to the respondents to handover to the petitioners the allotted finished flats subject to the petitioners paying the amount demanded by way of escalation vide letters dt.10-09-2015 addressed to the petitioners.

However, any payment of this amount by the petitioners would be without prejudice to their rights to contest the right of the respondents for the said amount.”

4. W.V.M.P.No.1966 of 2016 is filed to vacate the said order.

5. The Petitioners have filed C.C.No.950 of 2016 seeking implementation of the said order.

6. Sri S.Ravi, learned Senior Counsel, appearing for Telangana State Housing Board, states that on 22-09-2015, in W.P.Nos.30718 and 39675 of 2015, this Court had passed the following order:

“Any allotment of flats made to any allottees in the meeting scheduled to be held on 23-09-2015 shall be subject to further orders of this Court and though the respondent Nos.2 and 3 are free to proceed with the allotment, the said allotment shall not be treated as final and subject to orders in this Writ Petition.”

He states that the Telangana State Housing Board officials, while they have no objection to implement the orders passed by this Court on 31-03-2016 in W.P.M.P.No.13407 of 2016 in W.P.No.10637 of 2016, are apprehensive for implementation of the said order as it might be construed as a willful disobedience of the orders passed by this Court in W.P.Nos.30718 and 39675 of 2015.

7. I am of the view that the difficulty expressed by the respondents can be overcome by directing the respondents to implement the order passed by this Court on 31-03-2016 in

W.P.M.P.No.13407 of 2016 in W.P.No.10637 of 2016 subject to the result in W.P.Nos.30718 and 39675 of 2015.

8. Accordingly, W.V.M.P.No.1966 of 2016 is disposed of clarifying the order dt.31-03-2016 in W.P.M.P.No.13407 of 2016 in W.P.No.10637 of 2016 and directing the respondents in the Writ Petition/respondents in the Contempt Case to implement the order dt.31-03-2016 in W.P.M.P.No.13407 of 2016 in W.P.No.10637 of 2016 subject to the result in W.P.Nos.30718 and 39675 of 2015. It is made clear that any delivery of possession pursuant to the order dt.31-03-2016 in W.P.M.P.No.13407 of 2016 in W.P.No.10637 of 2016 shall be subject to the result in W.P.Nos.30718 and 39675 of 2015. It is made clear that any delivery of possession to the Order dt.31-03-2016 would not be treated as a final allotment and would not entitle the Writ Petitioners in W.P.No.10637 of 2016 to claim any equities in case they suffer any adverse order in W.P.Nos.30718 and 39675 of 2015. They are also granted liberty to get impleaded in the said Writ Petitions, if they so desire. The respondents in the Contempt Case are granted eight weeks from today to implement the order passed today in W.V.M.P.No.1966 of 2016.

9. Accordingly, the Contempt Case is closed. No costs.

10. Post the Writ Petition along with W.P.Nos.30718 and 39675 of 2015 for hearing on 23-01-2017 subject to 'part heard'.

11. As a sequel, the miscellaneous petitions pending, if any,
shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 30-12-2016
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